

ORIGINAL

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

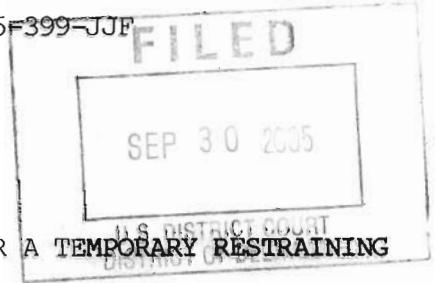
James A. Wilson, Et Al
Plaintiff,

v.

COMM. STANLEY TAYLOR, and
WARDEN RICK KEARNEY,

Defendants.

Civ. No. 05-399-JJF



DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

James A. Wilson declares under penalty of perjury:

1. I am the plaintiff in this case. I make this declaration in support of my motion for a temporary restraining order and preliminary injunction to ensure that I'm not sprayed with mace, or moved, or receive any physical harm.
2. As set forth in the Complaint in this case which was filed on or about June 15th, 2005 under 42 U.S.C. § 1983.
3. Blacks are more likely to be sprayed with mace, and moved because of their Color.
4. Blacks are more likely to be harassed because of their Color.
5. Blacks are more likely to be written up and moved without due process.
6. Plaintiff has written two grievance on Officer and nothing has been done.
7. Plaintiff was informed by another Inmate that Corp. Stolzenbach has stated that he has 18 months lefted and that he is trying to get someone to help him leave early through a physical altercation.
8. Plaintiff recently sent a copy of his grievance to The Court where plaintiff state that he was confronted by this officer while the officer had his mace in his hand shaking it up.
9. For the reasons set forth in the memorandum of law filed with this motion¹¹, the plaintiff is entitled to a temporary restraining order requiring that the Officer stop harassing and threatening plaintiff and to a preliminary injunction requiring the Officer to carry out the restraining order.
10. For the foregoing reasons, the Court should grant the plaintiff's motion in all respects.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

James A. Wilson

CIV. NO. 05-399-JJF

FORM #584GRIEVANCE FORMFACILITY: S. C. I.DATE: 9/25/05GRIEVANT'S NAME: Eldon T. PottsSBI#: 00211193

CASE#:

TIME OF INCIDENT: From July until nowHOUSING UNIT: MERIT - WEST

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I HAVE BEEN HARASSED by % John Stolzenbach since July until this present date (9/25/05) AND I WAS THREATENED by % John Stolzenbach who said "I'm going to GET you out of my building" (8/23/05). % Stolzenbach DO'S OUT OF HIS WAY TO PICK WITH ME. (Check my track file in building)

ACTION REQUESTED BY GRIEVANT: I would like to be moved to minimum building away from % Stolzenbach if possible AND I would like for % Stolzenbach to LEAVE ME ALONE.

GRIEVANT'S SIGNATURE: Eldon T. PottsDATE: 9/25/05WAS AN INFORMAL RESOLUTION ACCEPTED? (YES) (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: _____

DATE: _____

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
GRIEVANT

I/M:James Wilson BLDG:Merit/East
SUSSEX CORRECTIONAL INSTITUTION
P.O. BOX 500
GEORGETOWN, DELAWARE 19947

* (6) *
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United States District Court

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